

### **REMARKS**

Claims 1-25 are currently pending in the application; with claims 1, 11, and 21 being independent. Applicant respectfully requests reconsideration in light of the remarks contained herein, and earnestly seek timely allowance of the pending claims.

#### ***Allowable Subject Matter***

Applicants appreciate the Examiner's indication that claims 6-8, and 16-18 are directed to allowable subject matter.

#### ***Claim Rejections – 35 USC §102***

The Office Action indicated that claim 21 is rejected under 35 USC §102(e) as being anticipated by US 6,078,360 to Doornhein et al. ("Doornhein"). Applicant respectfully submits the Examiner has failed to establish a *prima facie* case of anticipation and traverse this rejection.

Doornhein merely discloses a video apparatus which accepts a video signal 1 supplied by a video generating device 1, a device 3 for generating static control information bits relating to at least an aspect ratio of the video signal, and a device 5 which provides an additional signal having a plurality of bits. (See column 2, lines 49-59.) Doornhein further discloses a bit distribution device 7 which distributes the plurality of bits received from the additional data signal from device 5 and distributes the bits over at least one bit per frame of the video signal. (See column 2, lines 61-67.) A first combiner 9 combines the static control information bits from device 3 and the at least one bit from the device 7 to obtain a signaling bit stream. Finally,

device 11 combines the signaling bit stream from device 9 and the video signal from device 1 to obtain a television signal with additional data. (See column 3, lines 1-6; Fig. 1.)

However, Doornhein fails to disclose, at least, “an added information decoder operatively coupled to the transport separation unit, which provides one of added information and associated information,” as recited in claim 21.

Applicant submits Doornhein merely discloses two combiners 9-11 which combine various information bit streams from device 3 and 5 with video signal data from device 1. All of these signals are combined and forwarded to recording unit 13. Neither combiner 9 nor 11 provide one of added information and associated information.

Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection.

The Office Action indicated that claim 21 was also rejected under 35 USC §102(e) as being anticipated by US 6,288,750 to Yamada et al. (“Yamada”). Again, Applicant respectfully traverses this rejection.

Yamada merely discloses a video decoder which accepts video data (Sv), OSD data (So), additional information (Ss), and broadcast wave information (Sb). The video data (Sv) is provided by decoding part 201 and is read into a video data reading part 205. OSD data (So) and additional information (Ss) are also read into OSD data reading part 206 and additional information reading part 207, respectively. (See column 5, lines 27-54; Fig. 2.) Synthesizing part 209 receives the separate video streams from each respective reading part and combines the OSD data (So), the additional information (Ss) and the video data (Sv). (See column 7, lines 24-31; Fig. 1.)

However, Yamada fails to disclose, at least, “an added information decoder operatively coupled to the transport separation unit, which provides one of added information and associated information,” as recited in claim 21.

Yamada is distinguished from the present invention at least in that synthesizing part 209 disclosed by Yamada unconditionally combines the OSD data (So) and the additional information (Ss), along with the video data (Sv) to produce the video output signal. In other words, additional data (Ss) and OSD data (So) are both provided in the output video signal.

Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claim 21 based on Yamada.

### ***Claim Rejections – 35 USC §103***

The Office Action indicated that the Examiner rejected claims 1-3, 5, 9-13, 15, 19-20, and 22-25 under 35 USC §103(a) as being unpatentable over Yamada. Applicant submits the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverse this rejection.

Regarding claims 1 and 11, Yamada discloses a video receiver 200 which receives a plurality of data inputs. Additional information (Ss) and video data (Sv) are de-multiplexed from a demodulated video stream. Additional information (Ss) contains control codes for copy generation control and copy guard functionality. (See column 4, line 59 through column 5, line 15; Fig. 2.). Yamada’s video decoder 200 also receives on-screen display (OSD) data (So) and additional information (Ss) through a data bus 11 (column 5, lines 15-18). OSD data stands for a channel, a receiving mode, a volume, characters of text broadcasting and the like displayed on a

currently operating television screen (column 5, lines 18-22). A combining part 209 combines the OSD data (So) and the additional information (Ss) with the video data (Sv) on the synthetic position for the additional information corresponding to the changed standard. In this manner, the television signal processor can flexibly cope with a change of the multiplexed state of the addition information (Ss) occurred with a change of channel or the broadcasting system. (See column 7, lines 27-35.)

However, as admitted by the Examiner, Yamada fails to teach or suggest, at least, an associated information storage means for storing associated information independent from, and interchangeable with the added information,” as recited in claim 1 (emphasis added); and “storing associated information independent from, and interchangeable with the added information,” as recited in claim 11 (emphasis added).

The Examiner attempts to cure the deficiencies of Yamada in this respect by asserting, without any evidentiary support, that it would be “obvious to the skilled in the art at the time the invention was made to readily recognize ... that the additional information Ss which could be control data (text) such as CGMS, WSS, and the OSD which could be ‘characters of text broadcasting and the like’ would be readily interchangeable.” (See Office Action, page 5, paragraph 1.)

It would appear in this instance that the Examiner is taking Official Notice to cure the deficiencies of Yamada. The Examiner is respectfully reminded that an Official Notice rejection is improper unless the facts asserted are well known or common knowledge in the art, and capable of instant and unquestionable demonstration as being well-known. It is never appropriate to rely solely on “common knowledge” without evidentiary support in the record as

the principal evidence upon which a rejection is based. (MPEP §2144.03, 8<sup>th</sup> edition, rev. May 2004.)

Accordingly, Applicant traverses the Examiner's implied taking of Official Notice and requests the Examiner either cite a competent prior art reference in substantiation of the Examiner's assertions, supply a personal affidavit supporting the Examiner's allegation, or else withdraw the rejection.

Moreover, Applicant respectfully submits that the Examiner has failed to provide adequate motivation to establish a *prima facie* case of obviousness.

The Examiner seems to be asserting that the additional information (Ss) could take the form of text data (even though nowhere in Yamada is it disclosed that the additional information is indeed text data), and, given the OSD data as disclosed by Yamada is text, it is asserted that the OSD data and the additional information would be readily interchangeable, merely because they (assertedly) are both text data. Applicants submit these data streams not interchangeable because they represent different types of information.

Moreover, the Examiner fails to provide any reasons why one of ordinary skill in the art would interchange the additional information and OSD data. Applicant submits that there would be no reason to interchange these two different forms of data because they are used to represent different quantities of information. As disclosed in Yamada, the OSD information is on-screen display data which is used to provide supplemental information to a user. The additional information is associated with copy generation and control (see GMS, WSS or the like). (See column 5, lines 13-16.) Applicant submits that OSD data and additional information are separately applied to video decoder 200 because they represent different types of information

and one of ordinary skill in the art would not be motivated to interchange them. In fact, there is nothing to suggest that the OSD data and the additional information are supplied in formats which would allow their interchangeability. For example, Yamada fails to disclose that the OSD data could be used in the copy guard standard CGMS or WSS. Moreover, there is no disclosure that the additional information is provided in a format which would be useful for on-screen display information.

Accordingly, because the Examiner has not provided adequate motivation to establish a *prima facie* case of obviousness, Applicant respectfully requests the Examiner to withdraw the rejections of claims 1 and 11.

Claims 2-3, and 5-10 depend from claim 1 and are at least allowable by virtue of their dependency from allowable claim 1. Claims 12-13 and 15-20, and 24-25 depend from claim 11 and are allowable at least by virtue of their dependency from allowable claim 11.

The Office Action indicated that claims 4 and 14 are rejected under 35 USC §103(a) as being unpatentable over Yamada in view of US 5,684,514 to Branscomb (“Branscomb”). Applicant submit the Examiner has failed to establish a *prima facie case* of obviousness and traverse this rejection.

Claims 4 and 14 depend from claims 1 and 11, respectively, and include all the features recited therein. Branscomb is silent to the features provided above in the arguments from the allowability of claims 1 and 11.

Accordingly, claims 4 and 14 are allowable at least for the reasons provided above for the allowability of claims 1 and 11, respectively, Applicant therefore respectfully requests the Examiner to withdraw the rejection of claims 4 and 14.

***Conclusion***

In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at telephone number (703) 205-8000, which is located in the Washington, DC area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any


Application No. 09/977,376  
Reply to Office Action of October 5, 2005

Docket No.: 1163-0363P

additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

  
**Date: January 3, 2006**

Respectfully submitted,

By   
Michael R. Cammarata  
Registration No.: 39,491  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant